

UNITED STATES DISTRICT COURT
SECOND DISTRICT OF NEW YORK

THOMAS HARTMAN,

Plaintiff,

-against-

KARL N. SNELDERS and MICHAEL KNATZ,

Defendants.

04cv1784(CLP)

PLAINTIFF'S REQUESTED
VOIR DIRE

The plaintiff, by his attorney, Daniel J. Hansen, Esq., as and for his requested voir dire, submits the following:

1. In this case the plaintiff, Thomas Hartmann, claims he suffered serious injuries from the unwarranted use of deadly physical force by two police officers. The police were attempting to arrest Mr. Hartmann for violating a court order involving a domestic disturbance. Does anyone feel that if Mr. Hartmann was attempting to flee arrest that he should not be permitted to seek compensation for those injuries caused by excessive physical force?
2. Does anyone believe that under those same circumstances the injured person should not be allowed to sue the individual police officer for his use of excessive physical force in making an arrest?

3. Does anyone feel that in attempting to arrest a fleeing person that the police officer is always right in the use of force and the fleeing person is always wrong?
4. Does anyone here feel that civilians are not competent to evaluate whether the use of deadly physical force by a police officer was objectively reasonable, and that only other police officers can make that judgment?
5. In this case you will hear opinion testimony also termed expert testimony from persons called by each side in this case, is there anyone who has strong feelings about the use of expert testimony at a trial?
6. Does anyone have any difficulty with the concept that police officers must follow the United States Constitution, the New York State Constitution and the New York State Penal Laws when effecting the arrest of an individual accused of a crime, even where that person is trying to evade arrest?
7. Does anyone believe that in effecting an arrest of a person, police officers do not have to follow police department rules on the use of force to effect an arrest?

8. Does anyone believe that police officers should have unlimited discretion as to how and when a police officer may use physical force which could cause serious injury or death?
9. Would your religious beliefs make it difficult to judge the conduct of others if you were a juror?
10. You will learn that Thomas Hartmann has served time in prison for criminal conduct.
The details of any such crimes will not be an issue in this case. Having now been made aware of such facts, is there anyone in the panel that feels he/she would allow that fact to influence his/her judgment in deciding Thomas Hartmann's claim against the defendants for using excessive force in the form of deadly force in this matter?
11. In the event you find the defendants liable in damages to Mr. Hartmann, in deciding the issue of damages, would the fact that Mr. Hartmann served time in prison keep you from awarding Mr. Hartmann full compensation for his injuries?
12. Is there any member of the panel that is a member of the National Rifle Association?
13. Is there anyone here who is licensed to carry a firearm?

14. Is there anyone here who has been the victim of a crime?

Or has a close friend or family member who has been the victim of a crime?

15. If yes, was the perpetrator ever caught and prosecuted?

Was that person acquitted?

Would any of those facts affect or influence how you would view the evidence and testimony of the plaintiff?

16. Is there any member of the panel who is a member of any police organization such as the PBA or for example, The Retired Detectives Association?

17. Is there anyone here who has ever made a complaint to a police department where domestic abuse was alleged?

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18. If yes, were you satisfied with the way your complaint was handled?

Would any of those facts affect or influence the way you would view the plaintiff, his evidence or his testimony?

19. Is there any member of the panel who is opposed to civilian oversight of police misconduct?

20. What is the highest grade of education which you completed?

21. Do you all recognize that you must follow the law as I instruct you on its provisions, whether or not you agree with my instruction?

22. Would anyone have any mental reservation about following the law as I instruct you in its provisions, whether you agree with the law or not?

23. In this case you will learn about the *objective standards* to be applied to the facts as you find the facts to be. You must apply those standards to all the parties, whether they are good persons or not and whether their intentions were well meaning or not. Does anyone have any mental reservations in applying those standards?

24. Is there anyone who believes that if a police officer or government employee takes an oath to tell the truth, that such a person must be telling the truth?

25. Will you carefully scrutinize the testimony of everyone in this case be it a lay witness, an expert, a doctor, a police officer or police official or any of the parties to this lawsuit?

26. Is there any member of the panel who is now or has ever been involved in law enforcement whether as an employee, consultant or who has been affiliated with law enforcement in any other capacity?

27. If you or your family member were seriously injured in an occurrence you believed was caused by someone else's misconduct, would you sue for money damages for personal injuries?

28. Does everyone on the panel understand your verdict must be expressed in terms of money if you return a verdict for the plaintiff?

29. How do you feel about awarding money damages in a lawsuit?

30. Are there any types of damages for which anyone here personally would not award money for example, pain and suffering, mental anguish, or the ability to enjoy life?

Why or why not?

31. Does any member of the panel believe that multimillion dollar awards by juries are never justified?

32. Does any member of the panel know of anyone who claimed they were hurt in an accident and who got more money than you think they were entitled to?

If yes, who?

33. Has any member of the panel ever thought about filing a lawsuit, but decided not to sue?

If you decided not to sue, explain why?

34. Is any member of the panel in favor of legislators placing caps or limits on the amount of money juries can award for personal injuries or wrongful death?

35. Does any member of the panel have any negative feelings about people who sue for damages?

36. Does any member of the panel believe no case involving personal injuries should be brought into Court to be decided by a jury?

37. If you had a case in court would you trust the jury to do the right thing?

38. Has any member of the panel ever been sued or had a claim made against you?

Who was the claim brought against?

What did the claim or suit involve?

Is any such claim or suit still pending?

Did your side win?

Were you satisfied with the outcome?

39. As a result of that experience what are your feelings about cases like that or like this case where the plaintiff is suing for damages for the excessive use of deadly physical force?

40. Does everyone understand you and everyone selected as a juror will have to take an oath that they will listen carefully to all the evidence and decide this case fairly and honestly under the law that prohibits caps for damages if there is liability?

41. Does any member of the panel know any reason, no matter how small, why you could not be a fair and impartial juror in this kind of a case?

42. Does any member of the panel have an opinion of the number of lawsuits filed in this country today?

43. Is there any member of the panel who has an opinion as to some types of lawsuits that he or she does not like or does not believe in?

44. Some people have a negative opinion of our justice system. They think lawyers are greedy and juries are dumb. Is there anyone here who shares that opinion about lawyers, lawsuits or juries?

45. Has any member of the panel ever had a bad experience with a lawyer?

46. What experiences have you had with a lawyer?

47. What do you think about the justice system in general?

48. There is an ongoing debate about litigation. Some people say there are too many lawsuits; that people are suing over problems that should be resolved in other ways. Other people say that lawsuits are justified; that the courts provide a legal remedy for conflicts. Is there anyone here that has strong opinions either way about the subject?

49. Has any member of the panel read or heard anything lately about a case you think was unnecessary or frivolous?

Tell us about it.

Why do you think it was frivolous?

50. Has any member of the panel read or heard anything about a case in which you think the jury awarded too much money?

Tell us about it.

51. Does any member of the panel believe that juries that award large amounts of money are somehow mistaken or “stupid” for their decisions?

52. How many of you have read or heard the phrase “tort reform”?

What does it mean?

How would it work?

What do you think about it?

53. Does any member of the panel ever get the feeling people are getting large amounts of money they don’t deserve?

Why?

54. Has any member of the panel ever served on a jury before in a criminal or civil case?

55. Has any member of the panel ever served on a jury which deliberated on a case?

If yes, did your previous jury experience leave you with any negative feelings?

56. Has any member of the panel ever been in the military service?

57. Has any member of your immediate family been in the military service?

58. What are your favorite sports, recreation, hobbies and interests?

59. What is your principal source of news?

If television, what channel or network do you obtain your news from?

60. Does any member of the panel watch the television show called “Cops”?

61. Has any member of the panel ever testified in a legal proceeding?

Were you treated fairly?

62. Has any member of the panel ever testified as an expert witness?

Were you treated fairly?

63. Is there any member of the panel who is against awarding money damages to a victim of police misconduct?

64. Does any member of the panel believe that if a person is a former government employee that everything he or she testifies to must be true?

65. Does any member of the panel believe lawsuits cost us all too much money?

66. Does anyone's present or past employment involve supervising others?

67. Does anyone's present or past employment involve hiring or firing others?

68. Marital status? (Who here is single, married, divorced or widowed?)

69. Does any member of the panel have children? State number of your: Natural children,
stepchildren, adopted children.

70. Does any member of the panel know anyone on this jury panel?

71. Is any member of your family involved in the Health care industry, law enforcement or
law practice?

Dated: New York, New York
January 21, 2010

Respectfully submitted,

/s/
Daniel J. Hansen (DJH:0211)
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